

FILED

FEB 27 2015

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15 **UNITED STATES DISTRICT COURT**

16 **NORTHERN DISTRICT OF CALIFORNIA**

17 **SAN FRANCISCO HEADQUARTERS**

18 **UNITED STATES OF AMERICA, *ex rel.***
19 **ARMEN PETREHN and STATE OF**
20 **CALIFORNIA, *et al.*, *ex rel.* ARMEN**
PETREHN,

21 **Plaintiffs,**

22 **v.**

23 **BAXTER INTERNATIONAL INC. and**
24 **BAXTER HEALTHCARE CORPORATION,**

25 **Defendants.**

Case No. C 14-3882-LB

CONSENT TO DISMISSAL
ORDER

FILED UNDER SEAL

26 Pursuant to 31 U.S.C. § 3730(b)(1), the United States consents to the dismissal of this
27 action without prejudice to the United States. The United States has conferred with Justin Eaton,
28

1 Assistant Attorney General for the State of Texas. Mr. Eaton has represented to the United
2 States that the States named as plaintiffs in this *qui tam* suit also consent to dismissal of this
3 action without prejudice.

4 The United States requests that the Court unseal: (1) Relator's Complaint; (2) the
5 summons, if any; (3) the scheduling order; (4) Relator's Notice of Dismissal; and (5) this
6 Consent to Dismissal and Proposed Order. The United States requests that all other contents of
7 the Court's file in this matter (including, but not limited to, any applications filed by the United
8 States for extensions of the sixty-day investigative period, any applications for partial lifting of
9 the seal, and any orders previously entered in this matter) remain under seal and not be made
10 public or served upon defendants.

11 Respectfully submitted,

12 JOYCE R. BRANDA
13 Acting Assistant Attorney General
14

15 MELINDA HAAG
16 United States Attorney
17

18 Dated: February 25, 2015

19 By: Kimberly Friday
20 KIMBERLY FRIDAY
21 Assistant United States Attorney

22 Dated: February 25, 2015

23 By: Michael D. Granston
24 MICHAEL D. GRANSTON
25 JAMIE A. YAVELBERG
26 NATALIE PRIDDY
27 Civil Division, U.S. Department of Justice
28 Attorneys for the United States of America

[PROPOSED] ORDER TO UNSEAL

The United States and the States named as plaintiffs having consented to dismissal of this action without prejudice pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(1), IT IS
HEREBY ORDERED that:

1. The Complaint, the summons, the scheduling order, Relator's Notice of Dismissal, this Order, and the accompanying United States' Consent to Dismissal are hereby unsealed.

2. Any applications and/or declarations that have been filed under seal by the United States for an extension of the sixty-day investigative period or for any other reason shall remain under seal and not be made public or served upon the defendants.

3. The seal shall be lifted as to all other matters occurring in this action after the date of this Order.

IT IS SO ORDERED.

Dated: February 27 2015


LAUREL BEELER
United States Magistrate Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES,

Plaintiff,

v.

BAXTER INTERNATIONAL, INC., ET AL.,

Defendant.

Case Number: CV14-03882 LB

**CERTIFICATE OF SERVICE
UNDER SEAL**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.


That on February 27, 2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

(COUNSEL ARE TO SERVE PARTIES NOT LISTED ON THIS CERTIFICATE)

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Natalie Priddy
Civil Division
United States Department of Justice
P.O. Box 261
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Washington, D.C. 20044

Dated: February 27, 2015


Richard W. Wieking, Clerk
By: Lashanda Scott, Deputy Clerk